



RCE/3679
CC

Practitioner's Docket No.: F-8040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Edward Sax et al.
Applic. No. : 10/076,978 Group No. : 3679
Filed : February 15, 2002 Examiner : Ryan M. Flandro
For : Fence Construction System for Building a Fence with a Wall Appearance
and Characteristics and Method for Building such a Fence

11/02/03 RCE-1/215
EP
10-21-03

MAIL STOP RCE
Commissioner for Patents,
Alexandria, VA 22313-1450

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OCT 17 2003
GROUP 3600

REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)

CERTIFICATION UNDER 37 C.F.R.1.8(a) and 1.10
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I hereby certify that, on the date shown below, this correspondence is being:

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- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
- ☒ **37 C.F.R.1.8(a)** - with sufficient postage as first class mail.
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- ☐ **37 C.F.R.1.8(a)** - transmitted by facsimile to the Patent and Trademark Office.

Signature of Practitioner

Date: October 9, 2003
10/15/2003 CNGUYEN 00000046 10076978

RALPH E. LOCHER
REG. NO. 41.947

01 FC:2801 385.00 OP
02 FC:2252 155.00 OP

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:
- i. ☒ Prior to abandonment of the application
 - ii. ☐ Payment of the issue fee
 - ☐ Prior to payment of the issue fee
 - ☐ Issue fee has been paid but a petition under § 1.313 has been granted
 - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
 - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
 - iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145; or
 - ☐ Commencement of a civil action under 35 U.S.C. 146
 - ☐ Prior to the filing of such appeal or commencement of civil action
 - ☐ Such appeal or commencement of civil action has been terminated

SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114

3. a) Previously submitted
- ☒ Consider the amendment under 37 C.F.R. 1.116 previously filed on September 12, 2003.
(Any unentered amendments referred to above will be entered)
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously submitted on
 - ☐ Other
- b) Enclosed herewith is/are:
- ☐ An information disclosure (37 C.F.R. §1.98)
 - ☐ Form PTO-1449 (PTO/SB/08A and 08B)
 - ☐ An amendment
 - ☐ New arguments
 - ☐ New evidence in support of patentability
 - ☐ Other:

FEE FOR REQUEST (37 C.F.R. § 1.17(e))

4. This application is on behalf of:
- ☒ Small entity (and status is still as small entity) \$385.00
- ☐ Large entity \$770.00

Continued Prosecution Request Fee \$385.00

FEE FOR CLAIMS

5. The fee for claims (37 C.F.R. §1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col.2)	(Col.3)	Small Entity			Large Entity	
	Claims remaining after amendment		Highest No. previously paid for	Present Extra	Rate	Add.Fee	Or	Rate	Add.Fee
Total	42	Minus	42		x\$9=	\$		x\$18=	\$
Indep.	6	Minus	6		x\$42=	\$		x\$84=	\$
First Presentation of Multiple Dependent Claims					+\$140=	\$		+\$280=	
					Total Addit.Fee		Or	Total Addit.Fee	

- (c) ☒ No additional fee is required.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

- (a) Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

<input checked="" type="checkbox"/> Extension two months	Large Entity \$ 420.00	Small Entity \$ 210.00
	Fee:	\$ 210.00

- ☒ An extension for one (1) month has already been secured, and the fee paid therefor of \$55.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$155.00

TOTAL FEES DUE

7. The total fees due are:

<input checked="" type="checkbox"/>	Continued Prosecution Fee (§ 1.17(e))	\$385.00
<input checked="" type="checkbox"/>	Extension of time fee (if any) (§ 1.17(a)(1)-(4))	\$155.00
	Total Fees Due	\$540.00

PAYMENT OF FEE(S) DUE

8. Please pay the fees for this continued examination application as follows:

<input checked="" type="checkbox"/>	Charge Credit Card the sum of	\$540.00
	(Credit Card Payment Form (PTO-2038) attached)	

Please charge any required additional fees for § 1.17(e), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to

☒ Account No. 12-1099 of Lerner and Greenberg, P.A.

INVENTORSHIP

9. This application as amended names as inventors:

☒ the same inventors as previously designated for the claims.

10. **Instructions as to Overpayment**

☒ Credit Deposit Account No. 12-1099.

☐ Refund


SIGNATURE OF PRACTITIONER

RALPH E. LOCHER
REG. NO. 41,947

Date: October 9, 2003

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/bb

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